

REMARKS/ARGUMENTS

Status of the Claims

In the Final Office Action mailed February 2, 2009, claims 1-24 were pending in the application. Claims 2-12 and 14-23 are amended. Claims 25-27 are added. Claims 1, 13, and 24 are canceled. Therefore, claims 2-12, 14-23, and 25-27 are present for examination. No new matter has been added by these amendments. Claims 25-27 are independent claims. Applicants respectfully request reconsideration of this application as amended.

Interview Summary

Applicants would like to thank the Examiner Kelly Campen for her time during the phone interview on March 20, 2009. Examiner Campen and Applicants' representative, Tadd Wilson, discussed the current rejection to clarify the issues at hand, discussed possible additions to the claims, and differences between the cited art and the present claims. The changes discussed are some of the changes included in the current amendments. Again, Applicants appreciate the Examiner's attention and assistance.

Abstract

The abstract of the disclosure was objected to because it includes language which may be implied. The abstract has been amended, rendering the objection moot.

Rejections Under 35 U.S.C. § 112

Claims 1-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claims have been amended to ameliorate possible problems with the claims. Applicants have amended the claims to better clarify the arrangement of elements of the systems. Applicants believe this rejection is now moot. However, if the Examiner believes that there remain errors in the claims, Applicants respectfully

request the Examiner to note those errors specifically so that those errors can be addressed in the next response.

Rejections Under 35 U.S.C. § 102

Claims 1-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0152168 A1 issued to Neofytides et al. (“Neofytides”). Applicants respectfully request reconsideration of the rejection because the amendments overcome the rejection. Indeed, “for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” See MPEP §706.02, Original Eighth Edition, August, 2001, Latest Revision July 2008. And, Neofytides does not teach each and every aspect of the claims or teach the elements of the claim as arranged.

Claim 25:

Missing Limitation: “a translation system in communication with the first application interface and the second interface application, the translation system operable to receive the charge to the credit card from the first interface, operable to translate the charge to the credit card into the translated charge to the credit card, and operable to send the translated charge to the credit card to the second interface”

Claim 25, which substantively replaced claim 1, requires “a translation system in communication with the first application interface and the second interface application, the translation system operable to receive the charge to the credit card from the first interface, operable to translate the charge to the credit card into the translated charge to the credit card, and operable to send the translated charge to the credit card to the second interface.” The Examiner states that Neofytides teaches this limitation. See *Office Action*, p. 4. After reviewing the section cited by the Examiner, notably pages 1-3 and Figs. 5-11, Applicants were unable to find a system or device that translated a credit card charge between two interfaces. If the Examiner can direct the Applicants to the specific device that the Examiner believes meets this limitation, Applicants will be better able to respond.

As such, claim 25 is allowable over the cited art for at least this reason.

Missing Arrangement of Limitations

Neofytides is also not an appropriate anticipatory reference because Neofytides does not show the claimed limitations as arranged. “[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed *but also all of the limitations arranged or combined in the same way as recited in the claim*, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net Moneyin, Inc. v. Verisign, Inc.*, No. 2007-1565 (Fed. Cir. decided October 20, 2008), pp. 17-18. Further, the prior art reference must disclose the claimed invention “or direct those skilled in the art to the [invention] without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” *Id.*, p. 19 (citing *In re Arkley*, 455 F.2d 586, 587 (CCPA 1972)). Here, the Examiner has cited a broad section of Neofytides describing several different embodiments. However, none of these noted embodiments describe the arrangement of elements shown in the claim.

Applicants are unable to locate one embodiment having the elements arranged as claimed – notably, Neofytides does not show a system with a web interface communicating to a web application that is communicating to a first interface that is communicating to a translation system that is communicating to a second interface that is communicating to a credit processing system. It would be very helpful if the Examiner could point to the single embodiment in Neofytides that is arranged in such a way.

Therefore, claim 25 is allowable over the cited art for at least this reason.

Specific Citations

The Office Action notes broad swaths of Neofytides for all the particular claim limitations. For example, the Final Office Action in rejecting claim 1 makes reference to several pages and figures and Applicants cannot determine the logic of the argument. Indeed, the particular teaching or associations between the cited art and the claim terms could not be found by Applicants in the cited columns of the reference in many cases.

"In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or

shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." 37 C.F.R. § 1.104(c)(2)

Applicants respectfully request identification of the exact passages or terms in the reference that support the rejections. For example, what in Neofytides is a web-accessible platform, a first application interface, a translation system, a web interface, a credit processing system, a stored value card, a stored benefit account, a purchaser, a payor, and a payee? By understanding what the Examiner relates to these terms, Applicants will be better able to explain how very different the claims are from the cited art.

Regardless, the sections cited by Examiner do not include a description of an open loop stored value processing system. Indeed, the figures cited do not show systems but describe methods. As such, the claims as amended overcome the *prima facie* case of anticipation.

Claims 2-12:

Claims 2-12 each depend, either directly or indirectly, from allowable independent claim 25. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." M.P.E.P. § 2143.02 (*citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Therefore, claims 2-12 are also allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

Claim 26:

Claim 26 includes the same or similar limitations to allowable claim 25. For example, claim 26 includes the elements: a web interface, a first application interface, a second application interface, a web-accessible application, a translation system, and a credit processing system. Thus, claim 26 is allowable over the cited art for the same or similar reasons.

Claims 14-23:

Claims 14-23 each depend, either directly or indirectly, from allowable independent claim 26. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." M.P.E.P. § 2143.02 (*citing In re Fine*, 837 F.2d

1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Therefore, claims 14-23 are also allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

Claim 27:

Claim 27 includes the same or similar limitations to allowable claim 25. For example, claim 27 includes the elements: a web interface, a first application interface, a second application interface, a web-accessible application, a translation system, and a credit processing system. Thus, claim 27 is allowable over the cited art for the same or similar reasons.

CONCLUSION

Applicants also believe that one or more other elements are missing from the cited art. However, the complexity of the claims as originally presented and the difficulty in understanding the Office Action make it difficult to specifically point to those other novel elements. Regardless, Applicants believe that the system as claimed is very different than that posed in Neofytides. Fig. 1 of the present application is an embodiment of the system as claimed. A comparison of Fig 1 to any figure in Neofytides will show that the claims and Neofytides present to different systems.

Further, Applicants believe combining Neofytides with another reference would be improper to create a system as claimed. Neofytides is a system for transferring money between two parties. Neofytides does not involve the purchase or use of stored value cards. To change Neofytides would be to destroy the function and primary purpose of Neofytides. For these reasons, Applicants respectfully request the Examiner to allow these detailed claims or present new arguments bolstered with new art.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any objection, rejection, or argument not specifically addressed herein. Rather, the Applicants believe the amendments and arguments contained herein overcome all objections, rejections, or arguments.

Appl. No. 10/714,437
Amdt. dated March 30, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3691

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Tadd F. Wilson
Reg. No. 54,544

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
T3W:s5s
61806303 v1